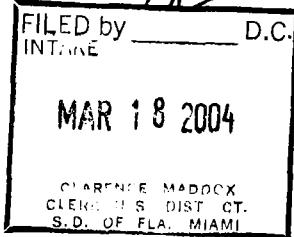


FROM ARIEL A HERNANDEZ # 50996824
MAIN JAIL BROWARD County
P.O. BOX 9356
FT. LAUDERDALE, FL. 33310-9356



UNITED STATES District Court, SOUTHERN District of Florida

UNITED STATES of America,
Plaintiff

CASE NO 00-6273-CR-HUCK

-V-

ARIEL A HERNANDEZ,
DEFENDANT,

MEMORANDUM to the Judge

--

DEAR your Honor,

THIS DEFENDANT, ARIEL A. HERNANDEZ, IS COMPELLED TO
STRONGLY ALERT, OBJECT AND PROTEST THE ACTIONS OF THIS COURT.
FORGOING UPON THIS DEFENDANT, THE COURT REPORTER AT
THE LIMITED REMAND HEARING ON SEPTEMBER 8 AND 12, 2003
AGAIN FAILED TO TRANSCRIBE VERBATIM WHAT TRANSPRIRED
AT THIS HEARING, WHICH EFFECTS A BIAS, AND PREJUDICE
AGAINST THIS DEFENDANT OR IN FAVOR OF THE GOVERNMENT,
AND HARM AND FEAR, SUCH ACTIONS ARE CAUSING THE
DEFENDANT AS EFFECTING THE FAIRNESS OF THIS APPEAL

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AND Right to DUE PROCESS, MAY THE ACTIONS BE REVERSED OR CORRECTED, SO THAT THIS DEFENDANT CAN be subject to A FAIR, UN-bIAS, AND UN-PREJUDICAL JUDGEMENT. THIS DEFENDANT AVERS THE FOLLOWING IN SUPPORT.

1. THIS DEFENDANT WAS CONVICTED OF FIRST DEGREE MURDER AND RACKETEERING.¹ ON DIRECT APPEAL, CASE WAS REMANDED BACK TO TRIAL JUDGE HUCK FOR AN IMPORTANT RECONSTRUCTION PORTION OF THE RECORD, INVOLVING PLAYED TAPES BEFORE THE JURY, THAT THE COURT REPORTER FAILED TO RECORD VERBATIM.² DURING THIS RECONSTRUCTION HEARING, PROBLEM EURED WITH EFFECTS A bIAS, AND PREJUDICE AGAINST THIS DEFENDANT OR IN FAVOR OF THE GOVERNMENT, FURTHER EFFECTING THE FAIRNESS AND DUE PROCESS OF THIS APPEAL.
2. ON SEPTEMBER 8, 2003 DATE OF COMMENCEMENT TO THE LIMITED REMAND TO RECONSTRUCT, JUDGE HUCK MADE SEVERAL COMMENTS ON RECORD,³ THAT CAN ONLY BE DEEMED PREJUDICIAL TO THIS DEFENDANT. A) THIS BEING THE RE-APPOINTMENT OF CONFLICTING COUNSEL JEFFREY WEINKLE B) ON SEPTEMBER 8 AND 12 OF 2003 THERE WAS AN INABILITY TO ACCURATELY HAVE CRUCIAL PORTIONS OF THE RECORD RECONSTRUCTED! LEADING ONLY FOR THE GOVERNMENT AND DEFENSE TO STIPULATE THAT "TAPES WERE PLAYED" BUT NO AGREABLE

CONSENSUS AS TO WHAT PORTIONS, ORDER, AND CONTENT.

PROBLEM:

3. ON DECEMBER 2003⁴, THIS DEFENDANT RECEIVED A COPY OF THE TRANSCRIPTS TO THE LIMITED REMAND HEARING ON SEPTEMBER 8 AND 12 OF 2003. AND TO THIS DEFENDANTS' SURPRISE, KEY PORTIONS OF THIS LIMITED REMAND HEARING OF SEPTEMBER 8 AND 12 WERE NOT TRANSCRIBE VERBATIM, SUCH AS IN SUPPORT:

- A.) JUDGE HUCKS' CONFLICTED RE-APPOINTMENT OF JEFFREY WEINKLE
- B.) JUDGE HUCKS' PREJUDICIAL REMARKS STATING "I DON'T CARE WHAT THE DEFENDANT WANTS. I AM DOING THIS ANYWAYS" (CONCERNING WEINKLE'S RE-APPOINTMENT)
- C.) APPEALANT COUNSEL RICHARD ROSENBAUM'S OBJECTIONS AND PROTEST TO WEINKLE'S RE-APPOINTMENT (SEE G)
- D.) DEFENDANT'S OWN OBJECTIONS AND PROTEST TO WEINKLE'S RE-APPOINTMENT.
- E.) JUDGE HUCKS' COMMENTS AT THE LIMITED REMANDS HEARING STATING HE WAS A WITNESS AND HAD RECOLLECTIONS AS TO WHAT TONES WERE PLAYED & CLEARLY TAKING SIDES WITH THE GOVERNMENT.
- F.) COMMENTS AND OBJECTIONS MADE BY CHARLES LEE AND DONALD SAMMUEL, APPEALANT COUNSEL FOR TRENTE COSTA,

G.) DEFENDANT'S Counsel Richard Rosenbaum has stated to this DEFENDANT, that "HE clearly REMEMBERS THIS DEFENDANT AND HIS OWN objections AND protest to MR. Weinkle's Re-Appointment. (These objections and protest were omitted from the Limited Remand Hearing on September 8, 2003 transcripts, as well as other omitted portions.)

4. Conclusion:

This DEFENDANT ASKS HOW CAN THE COURT BE INTRUSTED AND NOT BE PREJUDICAL, WHEN THE ISSUES AT THE LIMITED REMAND WHICH WERE THE COURT REPORTER FAILED TO TRANSCRIBE VERBATIM KEY PORTION OF THE TRIAL,⁵ NOW OCCURS AGAIN AT THE LIMITED REMAND HEARING OF SEPTEMBER 8 AND 12 OF 2003.⁶ RAISING THIS DEFENDANT'S DISTRUST IN THE COURT TO A FAIR, UNBIASED, AND UNPREJUDICAL DUE PROCESS OF THE LAW, ADDING HOW DOES THE DEFENDANT STOP THIS FROM REOCCURRING, AND NOW EFFECTING HIS APPEALS. IS ANYONE LISTENING?

FOOTNOTES:

1. CONVICTED DECEMBER, 2001 OF RICO AND VICAR

2. JUDGE HUCKS REAPPOINTMENT OF CONFLICTED CO-COUNSEL JEFFREY WEINKLE. (SEPTEMBER 2003)

3. REMAND GRANTED JUNE 2003

4. December 2003, defendant receives a copy of the transcript of the Limited Remands Hearing from His Appellant Counsel Richard Rosenbaum

5. Trial commenced November 2001 ended in December 2001

6. Limited Remands Hearing conducted on September 8 AND September 12, 2003

5 UNNOTARIZED OATH: UNDER PENALTY OF PERJURY,
I, Ariel A Hernandez, Affirm That Every Thing
said in this Memorandum is true

Respectfully
Ariel A. Hernandez

Ariel A. HERNANDEZ
50996824.

cc. Judge Huck

Richard Rosenbaum ESQ

Ms L Hirsh ESQ

MR. LAUCCHEO ESQ

Clerk of Court

My File

Ps This Defendants Counsel Richard Rosenbaum has diligently tried to receive a true and accurate transcript from the Court Reporter on this September 8 AND 12th, 2003 Limited Remands Hearing.